

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

RAY WILLIAMS,

Plaintiff,

vs

9:06-CV-178

R. CALIDONNA, Assistant Food Service Director,
Midstate Correction Facility; LT. G. LAWRENCE,
Security Housing Lt., Midstate Correction Facility;
DEPUTY SUPT. JAMES NICHOLS, Midstate
Correction Facility; K. BUTTNER, Assistant
Recreation Aid, Midstate Correction Facility;
MS. T. VIRKLER, Midstate Correction Facility
Grievance Director; INFORMANT/AGENT #1,
Midstate Correction Facility; INFORMANT/AGENT #2,
Midstate Correction Facility; INFORMANT/AGENT #3,
Midstate Correction Facility,

Defendants.

APPEARANCES:

RAY WILLIAMS
Plaintiff, Pro Se
99-A-6603
Mohawk Correctional Facility
P.O. Box 8451
Rome, NY 13440

HON. ANDREW M. CUOMO
Attorney General for the
State of New York
Attorneys for the Defendants
The Capitol
Albany, NY 12224

DAVID N. HURD
United States District Judge

OF COUNSEL:

MEGAN M. BROWN, ESQ.
JUSTIN C. LEVIN, ESQ.
Asst. Attorneys General

DECISION and ORDER

Plaintiff, Ray Williams, brought this civil rights action pursuant to 42 U.S.C. § 1983.

By Report-Recommendation dated September 11, 2008, the Honorable Randolph F. Treece,

United States Magistrate Judge, recommended that the plaintiff's motion for summary judgment (Dkt. No. 37) be denied; that defendants' cross motion for summary judgment (Docket No. 43) be granted; and that the plaintiff's complaint be dismissed. Objections to the Report-Recommendation have not been filed.

Based upon a careful review of the entire file and the recommendations of Magistrate Judge Treece, the Report-Recommendation is accepted and adopted in all respects. See 28 U.S.C. 636(b)(1).

Accordingly, it is

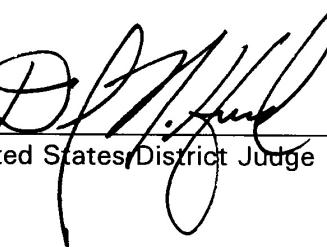
ORDERED that

1. Plaintiff's motion for summary judgment (Docket No. 37) is DENIED;
2. Defendants' cross motion for summary judgment (Docket No. 43) is GRANTED;
3. Plaintiff's complaint is DISMISSED.

The Clerk is directed to enter judgment accordingly and close the file.

IT IS SO ORDERED.

Dated: October 21, 2008
Utica, New York.



United States District Judge